

9/29/10

From: (b)(6), (b)(7)(C), FIELD ENG.
To: (b)(6), (b)(7)(C), LAW Dept.

RECARDING: CLARIFICATIONS / QUESTIONS RAISED
DURING THE INTERVIEW ON Sept 23, 2010

Q.1. NREO COPIES OF CO #1 & CO #2
FOR DHS - 8442.

Ans: CO #1 & CO #2 ATTACHED

Q.2. SP-567 } DID NEW CONSTRUCTION
SP-560 } DO ANY SECURITY WORK
SP-554 } UNDER TABIE CONTRACTS ?

Ans: NO! (SEE ~~SEE~~ ATTACHED)

Q.3. PC-755 - OAKWOOD CSO. PROTECT.
~~BE~~ ROLE OR FORFESSION IN
HAULING CONTAMINATED SOIL ~~FOR~~ FROM
SITE

Ans: NOW (SEE ATTACHED)

Q.4. LS-623 - MISSING MANIFESTS (792)
ARE MANIFESTS MISSING?

Ans: NO! (SEE ATTACHED)

YOURS TRULY

(b)(6), (b)(7)(C)

Agenda of June 20, 2007

Item No.10.G.8
Proposed Change Order No. 1
Contract No. DWS-844A
Price Increase: None
Time Extension: 450 Calendar Days

TO: The Honorable
Board of Water Commissioners
City of Detroit, Michigan

FROM: (b)(6), (b)(7)(C) Director
Detroit Water and Sewerage Department

DATE: June 20, 2007

RE: Proposed Change Order No. 1
DWSD Contract No. DWS-844A
Department-wide Security System Upgrade
DFT Security Team (General Contractor)

I. Motion:

Upon recommendation of (b)(6), (b)(7)(C), Assistant Director of Engineering Services, the Board of Water Commissioners authorizes the Director to grant a time extension of 450 calendar days and no increase in the contract price for Contract No. DWS-844A, "Department-wide Security System Upgrade, DFT Security Team (Contractor), and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

II. Justification:

Proposed Change Order No. 1 provides for additional time for the closeout of Contract No. DWS-844A. The previous practice of the Detroit Water and Sewerage Department (DWSD) was to issue a final change order to adjust the final contract time and price of the Contract. While this practice was successful in the past, a City of Detroit Department of Finance directive has been issued that a Contractor may not be paid beyond the contract specified final completion date. However, the project closeout process takes longer than the typical ninety (90) days projected in the typical contract documents. Additionally, due to the size and complexity of the security system installation, the substantial completion date for the contract work was not awarded to the contractor until

BACKGROUND

The Detroit Water and Sewerage Department's (DWSD) Contract No. DWS-844A for Security Upgrade encompasses the installation of security system equipment at seventy-two (72) manned and unmanned DWSD facilities including water booster stations, sanitary lift stations, and integration of existing CSO basins and administrative facilities' security systems into a new fiber optic network placed by SBC. Control equipment has been installed at DWSD's Security Control Center at the Water Board Building on the 12th floor. The work includes a two-year service maintenance plan that begun at the award of substantial completion of the contract on May 16, 2006. The security system is currently in service.

Physical security upgrades include new 8'-0" tall perimeter fencing (with barbed wire) and a new rolling gate has been installed at all DWSD booster stations and the Central Services Facility. The fencing at the sanitary stations have not been replaced, but rehabilitated. Holes in the sanitary fencing have been patched with new chain link mesh, the fence fabric has been pulled taught, excessive clearance between the bottom of the fence and the ground have been corrected, new barbed wire has been placed upon the fencing, and a new rolling vehicle gate and operator has been installed at each site.

Electronic security upgrades include a secondary perimeter photosensor system running parallel to the exterior fencing (water booster stations only), vibration sensitive cabling installed upon the new security/property line fencing, and a magnetic cardreader scanner system installed at each facility's main entry door. The video monitoring system at each facility includes a pan-tilt-zoom camera at each pumping station vehicle entry gate and fixed video cameras monitoring the interior of the pumping station entry door and the reservoir roof vents and overflow piping/hoods at potable water storage facilities. The video monitoring system has a thirty-day digital video storage capacity at each site.

Proposed Change Order No. 3 provides for additional time for the closeout of Contract DWS-844A. The past practice of DWSD has been to allow the contractor to exceed the final completion date without penalty when the time was necessary for the release of jurisdictional authorities' permits or Department releases, review of as-built documentation, warranty work, etc. The previous practice of DWSD was to issue a final change order to adjust the final contract time and price of the contract once these issues were resolved. While this practice was successful in the past, a City of Detroit Department of Finance directive has been issued that a contractor may not be paid beyond the contract specified final completion date. Therefore, the previous practice must be replaced with a formal acknowledgement by the contractor and DWSD that the project closeout process takes longer than the typical ninety (90) days projected in the typical contract documents. Due to the size and complexity of the security system installation, the substantial completion date was not awarded to the contractor until May 16, 2006. Subsequently, the end date of the two-year maintenance phase of the contract work shall be May 15, 2008, seven (7) months after the official contract final completion date. The requested time extension (with no additional general conditions to the contract) shall accommodate the full duration of the contract maintenance phase and time needed by DWSD and the DFT Security Team to close the contract. This change order will insure uninterrupted payments (including retainage releases) to the contractor until closeout.

This proposed change order incorporates this acknowledgement and formally adds 450 calendar days to Contract DWS-844A to allow for the time necessary to close the contract.

City of Detroit
WATER AND SEWERAGE DEPARTMENT
DEPARTMENTAL MEMO

FROM: (b)(6), (b)(7)(C) DATE: April 17, 2008

TO: (b)(6), (b)(7)(C) COPY TO: S. D. Patel
DWS-844A

RE: **DISTRIBUTION OF EXECUTED CHANGE ORDER NO. 1
TO DWSD CONTRACT NO. DWS-844A**
Security Systems Upgrade for Various Booster Pumping Stations

Executed Change Order No. 1 for the above-captioned project is distributed as follows:

Original Executed Change Order to:

1. Contract Administration (1)
2. (b)(6), (b)(7)(C) (2)

Xerox copies of the Executed Change Order to:

1. Board of Water Commissioners' Secretary

(b)(6), (b)(7)(C)

Senior Governmental Analyst

Attachment

(b)(6),
(b)(7)

On data constructed 04-20-08 DISTRIBUTION MEMO

Alvand# 41000130
420001000
US# 41716014272

Contractor: Please Fill in 22 below - all other items are to be filled in by DWSB.

~~Assistant Corporation Counsel~~

Agenda of June 18, 2008

Item No. 10.G.7
Contract No. DWS-844A
Proposed Change Order No. Two (Final)
Price Decrease (\$722,786.51)
F.C. Time Extension 181 Calendar Days

TO: The Honorable
Board of Water Commissioners
City of Detroit, Michigan

FROM: (b)(6), (b)(7)(C) Director
Detroit Water and Sewerage Department

DATE: June 18, 2008

RE: **Proposed Change Order No. 2 (Final)**
DWSD Contract No. DWS-844A
Department-wide Security System Upgrade,
DFT Security Team (General Contractor)

I. Motion:

Upon recommendation of (b)(6), (b)(7)(C) Assistant Director of Engineering Services, the Board of Water Commissioners authorizes the Director to **grant a \$722,786.51 cost decrease and a 181 calendar-day time extension to the contract final completion date to Contract DWS-844A, DFT Security Team (General Contractor),** and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

II. Justification:

This proposed change order shall credit to DWSD the remaining funds in the amount of \$722,786.51 as part of Closeout. Additionally, 181 calendar days shall be added to the contract duration to accommodate closeout of the Contract. The decrease in Contract monies is due to the return of the following unused cash allowance balances to the Detroit Water and Sewerage Department (DWSD).

June 18, 2008

Page 2 of 6

Re: Proposed Change Order No. 2 Final to Contract No. DWS-844A

- The Cash Allowance for Spare Parts to the Security System was drawn to provide monies for procurement of components to the security system in addition to the components codified for provision to DWSD as part of the original Contract scope. The original value of the Cash Allowance for Spare Parts was \$150,000.00. The amount of \$73,649.00 has been disbursed to the Contractor for the additional spare parts delivered to DWSD in May 2008. The remaining funds in the amount of \$76,351.00 will be credited to DWSD through this Change Order.
- The original allowance for the Cash Allowance for Utility Services in the amount of \$1,100,000.00 was reserved for reimbursement to the Contractor for the direct costs associated with the installation of communication services needed in support of this contract through a utility provider. The amount of \$599,003.09 has been disbursed to date to the Contractor. The remaining funds in the amount of \$500,996.91 will be credited to DWSD through this Change Order.
- The original Cash Allowance for Hazardous Materials was in the amount of \$290,000.00. These monies were to provide for costs associated with the use of precautions necessitated by the presence of lead and asbestos containing materials. The total amount used from the Cash Allowance for Hazardous Materials is \$144,561.40. The remaining funds of \$145,438.60 will be credited to DWSD through this Change Order.

III. Project Tasks/Costs:

A.	Original Contract Cost	\$21,283,850.00
B.	Proposed C.O. No. 2	(\$722,786.51)
C.	Revised Contract Price	\$20,561,063.49
D.	Current Contract Final Completion Date (C.O. #1)	December 31, 2008
E.	Proposed Time Extension	181 Calendar Days

IV. Project Management Status:

A.	Start Work Date:	October 8, 2004
B.	Original Final Completion Date:	January 7, 2008
C.	Original Substantial Completion Date:	October 8, 2005
D.	Current Final Completion Date:	December 31, 2008
E.	Original Contract Amount:	\$21,283,850.00
F.	Proposed C.O. No. 2 (Final):	(\$722,786.51)
G.	Revised Contract Amount:	\$20,561,063.49
H.	Time Extension:	181 Calendar Days
I.	Revised Final Completion Date:	June 30, 2009

(b)(6), (b)(7)(C)

MAYOR

Board of Water Commissioners

June 18, 2008

Page 3 of 6

Re: Proposed Change Order No. 2 Final to Contract No. DWS-844A

This recommendation was considered by the Board of Water Commissioners and action taken as noted below.

BOARD OF WATER COMMISSIONERS:

ACTION: _____ **DATE:** _____

BY: _____
(b)(6), (b)(7)(C) Director

City of Detroit
WATER AND SEWERAGE DEPARTMENT
INTRA-DEPARTMENTAL MEMO

FROM: (b)(6), (b)(7)(C) **DATE:** February 6, 2009

TO: (b)(6), (b)(7)(C) **COPY TO:** S. D. Patel
DWS-844A

RE: **DISTRIBUTION OF EXECUTED CHANGE ORDER NO. 2F**
TO DWSD CONTRACT NO. DWS-844A
Security Systems Upgrade for Various Booster Pumping Stations

Executed Change Order No. 2F for the above-captioned project is distributed as follows:

Original Executed Change Order to:

1. Contract Administration (1)
2. (b)(6), (b)(7)(C) (2)

Xerox copies of the Executed Change Order to:

1. Board of Water Commissioners' Secretary

(b)(6), (b)(7)(C)

Senior Governmental Analyst

Attachment

(b)(6), (b)(7)(C)

O:\data\construct\DWS-844A\ISTRIBUTIONMEMO

CONSTRUCTION CONTRACT CHANGE ORDER

AWARD # 412001700 5 JAW
420001700 5
417101 0
422327 5
File number

1. Contract Number DWS-844A	6. Bid Price \$21,283,850.00	Substantial & Final Completion Dates December 31, 2008	11. SPO No. 2658121
2. Contract Title Departmentwide Security System Upgrade	7. Additions to Date (Excluding this change) - 0 -	DAYS - 0 -	12. CPO No. 2658119
2B. Designer (b)(6), (b)(7)(C) of the DFT Security Team	8. Subtractions to Date (Excluding this change) - 0 -	DAYS - 0 -	13. DRMS Project No. 003869 (Water) 003870 (Wastewater)
3. Change Order No. 2 (Closeout)	9. Current Price \$21,283,850.00	Substantial & Final Completion Dates December 31, 2008 (C.O. #1)	14. Federal Grant N/A
4. This Change Amount (\$722,786.51) @ 181 Days	10. Engr. Proj. Mgr. (b)(6), (b)(7)(C)	Telephone (313)833-8394	15. State Permit N/A
5. Date Form Prepared	Ref:		16. Supplier Number 1081574
			17. Employer Identification No. 38-600-4606

Contractor: Please Fill in 22 below - all other items are to be filled in by DWSO.

Contractor name and address
DFT Security Team
c/o Detroit Contracting, Inc.
660 Woodward Avenue, Suite 1625
Detroit, MI 48226

18. Description of Change - Use back of form or additional sheets if necessary, give drawing numbers (indicate M/WBE participation if required).
Change Order for crediting remaining funds to DWSD in the amount of (\$722,786.51) as listed in the table below.

Item No.	Cash Allowance Description	Cash Allowance Amount	Amount Used	Unused Balance
1	Spare Parts	\$150,000.00	\$73,649.00	(\$76,351.00)
2	Utility Services	\$1,100,000.00	\$599,003.09	(\$500,996.91)
3	Hazardous Materials	\$290,000.00	\$144,561.40	(\$145,438.60)
			Total:	(\$722,786.51)

This closeout change order also provides for the extension of the Contract Final Completion date to June 30, 2009 through the addition of 181 calendar days to the Contract duration.

Note: This Change Order fully compensates the Contractor for any and all direct and indirect costs associated with change in work, including any and all costs for delay, acceleration, job overhead, main office overhead and impact. This Change Order contains the entire agreement and represents the understanding of the parties with respect to the subject matter contained in this Change Order and all prior negotiations and agreements are merged herein.

19. Reason for Change

All Contract work is complete and the security system is operational. All System Operations and Maintenance manuals and as-built drawings have been turned over to DWSD.

This time extension is to adjust the final Contract amount for the unused Cash Allowance monies listed above and with no additional General Conditions to the Contract.

EFFECTIVE ON CONTRACT TERMS (As encumbered)

20. Price (-\$722,786.51) New Total	21. New Completion Time +181 DAYS
No Change (To be completed by Accounting) \$20,561,063.49	No Change Substantial Date Final Date 6-30-09
22. CONTRACTOR APPROVAL NOTICE TO CONTRACTOR: THIS CHANGE ORDER IS EFFECTIVE WHEN LINE 27 IS SIGNED BY THE PURCHASING DIRECTOR By (b)(6), (b)(7)(C) (Signature)	23. APPROVAL OF DWSD DIRECTOR OR DEPUTY (b)(6), (b)(7)(C) Date: 7/15/08
	24. APPROVAL OF DWSD BUDGET/FORM (b)(6), (b)(7)(C) Date: 7/22/08
	25. DATE OF BOARD OF WATER COMMISSIONERS APPROVAL JUN 18 2008
	26. DATE OF CITY COUNCIL APPROVAL JAN 23 2009
	27. APPROVAL OF PURCHASING DIRECTOR (b)(6), (b)(7)(C) Date: 1/30/09

Ex. Manager 6/30/08
(Title) (Date)

APPROVED AS TO
FORM & EXECUTION

Assistant Corporation Counsel

Subject: SP-567, SP-558 and SP-560

From: (b)(6), (b)(7)(C) @dwsd.org >

Date: Fri, 24 Sep 2010 16:18:33 -0400

To: (b)(6), (b)(7)(C) @dwsd.org >, (b)(6), (b)(7)(C) @dwsd.org >

(b)

FYI

SP-567 is not advertised yet

SP-558 and SP- 560: No work related to DWS-844A has been done under anyone of them

Subject: Re: PC-755 Oakwood Pump Station and CSO Facility

From: (b)(6), (b) (7)(C) @dwsd.org >

Date: Fri, 24 Sep 2010 13:55:57 -0400

To: (b)(6), (b) (7)(C) COM >

CC: "(b)(6), (b) (7) @dwsd.org" <(b)(6), (b) (7) @dwsd.org>

Thank you

(b)(6), (b) (7)(C) wrote:

(b)(6), (b) (7)

In response to you inquiries:

1. Ferguson Enterprises does not have any roll on this project as a subcontractor or in any other capacity.
2. Ferguson Enterprises does not haul contaminated soil from the PC 755 site.
Respectfully,

(b)(6), (b) (7)(C)

----- Original Message -----

From: (b)(6), (b)(7)(C) [mailto:(b)(6), (b)(7)(C)@dwscd.org]

Sent: Friday, September 24, 2010 01:38 PM

To: (b)(6), (b) (7)(C)

Cc: (b)(6), (b)(7)(C) @dwsd.org>

Subject: PC-755 Oakwood Pump Station and CSO Facility

(b)(6), (b) (7)(C)

Per (b)(6), (b) (7)(C) please advise regarding the questions below:

- * Does Ferguson Enterprises, Inc, have a roll as a subcontractor in PC-755 project?
- * Does Ferguson Enterprises, Inc. haul the contaminated soil off site?

Thank you,

(b)(6), (b) (7)(C)

DWSD-FE

*_*_*_*_*_*_*_*_*_*_*_*_*_*_*_*_*

DWSD - Email Filter

Trusted Partner: Message Allowed

-

Subject: Re: Missing manifests-WS-623

From: (b)(6), (b)(7)(C) @dwsd.org >

Date: Wed, 29 Sep 2010 10:40:12 -0400

To: (b)(6), (b)(7)(C) @dwsd.org >

CC: (b)(6), (b)(7)(C) @dwsd.org >

(b)

I did check the WS-623 box for the supposedly missing manifests and I can only speculate on the number of 79 missing manifests. It seem that the Bureau when they took the files has a copy of the check list that I prepared, called "Missing manifests", it listed the dates and numbers of loads for the month of June 2008, all manifest are checked to be available at field Engineering. I believe there may be a misinterpretation when they noticed zeros to the left of 6/17/2008 (16 Loads), 18 (16 Loads), 19 (8 Loads), 23 (30 Loads) and 6/30/2008 (10 Loads). The number of loads happen to ad to 80.

Thanks,

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) wrote:

(b)(6),

Can you please see if there are any missing manifests(about 79) for trucks carting contaminated soil under Contract WS-623?

Thanks!

(b)(6), (b)(7)(C)